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ABSTRACT

Part I contains the Association of California School Administrators (ACSA) code of ethics and three appendixes. The appendixes present an amplification of the code of ethics, a discussion of the code's direct application to administrators, and a presentation of the other functions of the ACSA Personnel Standards Committee and the procedures for implementing action. Part II contains the organization's legal aid policies and procedures, and an application for financial assistance from the organization's legal aid fund. (IRT)

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U.S. DEPARTMENT OF HEALTH
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NATIONAL INSTITUTE OF
EDUCATION

CODE OF ETHICS
& Implementing Policy and Procedure

LEGAL AID
Policies and Procedures

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Association of California
School Administrators

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Adopted by Representative Assembly
March, 1972

PART I

ASSOCIATION OF CALIFORNIA SCHOOL ADMINISTRATORS

CODE OF ETHICS AND IMPLEMENTING POLICY AND PROCEDURE

ACSA PERSONNEL STANDARDS COMMITTEE OVERVIEW

ACSA believes that all members expect to provide professional educational leadership, and will be guided by an adopted Code of Ethics, which will govern the behavior of all members of the Association. The Association, with the cooperation and support of the members themselves, will assume responsibility for the ethical and professional behavior of its members.

Emphasis shall be given to stimulating the professional responsibility of members to identify and upgrade potential administrative leadership, and likewise encourage careful screening of those proven to be less capable of leadership for the sake of both the individual and the student. There should also be emphasis on the importance of the "team" approach, and full use of staff in the total management process.

ACSA will provide personnel services to all members (service to non-members only by special arrangement) through telephone contact, personal consultation and counseling, peer group counseling, legal advice, staff assistance team, resource panel, full-scale joint studies, guideline bulletins and brochures, personnel seminars and workshops.

ACSA will provide special bulletins or releases on issues related to the responsibility of the Personnel Standards Committee.

The Committee recommends a continuation of joint seminars and workshops with the California School Boards Association throughout the state for school administrators, school board members, and others directly concerned. Where feasible these may be arranged through the office of county superintendent, regions and other appropriate channels and will relate to relevant current topics.

It is important to have uniform procedures for all members in each region of the state. When a member desires assistance, a call is made to the ACSA Assistant Executive Secretary for Personnel Standards who will process the request by appropriate action in accordance with ACSA policy. The request may come directly from individual members, through a regional chairman, through a regional personnel committee chairman, or other responsible source. If other associations are or may be involved, ACSA staff will assume the responsibility for contact and necessary procedural arrangements and follow-up. It is quite possible that expenses involved in joint efforts will be shared by associations participating. School districts requesting extensive or special assistance may be requested to assist in meeting the cost of such service.

Continued emphasis shall be placed on preventive action, thus seeking to avoid problems developing into crisis situations. Every effort will be made to assure full communication with the membership on items of general concern.

It is intended that the Personnel Standards Committee shall review and recommend long-range policies and procedures of the Association in the area of Personnel Standards Committee responsibilities. In achieving this objective the Committee expects to work cooperatively with other committees having a similar concern.

There must be sufficient flexibility in our total personnel program to handle prevention, guidance, emergency situations, deep trouble, and full-scale community involvement influencing the effectiveness of the educational program in a given community.

Whenever modification of ACSA personnel services available to the membership is contemplated, full information shall be communicated to the entire membership.

A. RATIONALE FOR A CODE OF ETHICS

High standards of ethical behavior for the professional school administrator are essential and are compatible with his faith in the power of public education and his commitment to leadership in the preservation and strengthening of the public schools.

The true sense of high calling comes to the school administrator as he faces squarely such widely held beliefs as the following:

1. The effectiveness of the schools and their programs is inescapably the responsibility of the school administrator and the total professional staff working together with elected officials and the citizens of the community.

2. Every act, or every failure to act, on the part of the school administrator has consequences in the schools and in the lives of people.

3. In many situations and to many people in a community the school administrator is the living symbol of his school or schools.

4. The public entrusts both the day-by-day well-being and the long-range welfare of its children and of its school system to the school administrator and board of education.

5. The ultimate test for a school administrator is the effort which he makes to improve the quality of learning opportunity for every child in every school. This includes responsibility for creating an environment that encourages maximum growth for each individual.

6. The major responsibility within policy for the operation of an individual school rests with the principal. The responsibility for the administration of the school system rests with the superintendent and the board of education subject finally to community approval.

7. In the long run, what happens in the public schools of California happens to California.

B. POLICIES TO GOVERN THE ETHICAL BEHAVIOR OF SCHOOL ADMINISTRATORS

Policies of ethical behavior are designed to inspire a quality of behavior that reflects favorably on the profession of school administration. They are not intended as inflexible rules nor unchangeable laws. They assist in assessing the propriety of an administrator's behavior in his working relationships. They encourage and emphasize those positive attributes of professional conduct which characterize strong and effective administrative leadership.

For examples which illustrate but do not limit applications of the ethics policies listed here, see Appendix A.

Policy 1 — The professional school administrator constantly upholds the highest standards of responsibility and the dignity of his profession in all his actions and relations with pupils, colleagues, school board members, and the public.

Policy 2 — The professional school administrator obeys local, state, and national laws; holds himself to high ethical and moral standards, and expresses loyalty to his country and to the cause of democracy and liberty.

Policy 3 — The professional school administrator accepts the responsibility throughout his career to ascertain, use and contribute to the growing body of specialized knowledge, concepts, and skills which characterize school administration as a profession.

Policy 4 — The professional school administrator strives to provide the finest possible educational experiences and opportunities to all students in his school or district.

Policy 5 — The professional school administrator applying for a position or entering into contractual agreements seeks to preserve and enhance the prestige and status of his profession.

Policy 6 — The professional school administrator carries out in good faith all policies duly adopted by the local board and the regulations of state authorities and renders

professional service to the best of his ability. If he feels a need to urge change, modification or renewal of policies, he does so through legitimate and recognized procedures and channels.

Policy 7 The professional school administrator honors the public trust of his position above any economic or social rewards.

Policy 8 The professional school administrator does not permit considerations of private gain nor personal economic interest to affect the discharge of his professional responsibilities.

Policy 9 The professional school administrator recognizes that the public schools are the public's business and seeks to involve the public fully and keep them honestly informed about their schools.

Policy 10 The quality of the education program in a district is largely dependent upon the quality of its personnel. To promote the selection, the development, and the retention of the best possible personnel, the Association of California School Administrators recommends to its members the standards of personnel administration: Code of Ethics for the Education Profession - Direct Application for Administrators and Guidelines for the Evaluation and Re-assignment of Co-administrators.

The Code of Ethics for the Education Profession - Direct Application for Administrators is reproduced in full in Appendix B.

C. PROMOTING AND IMPLEMENTING STANDARDS OF ETHICAL BEHAVIOR FOR SCHOOL ADMINISTRATORS

Section 1: Basic Premises

The basic premises which undergird all efforts to implement the goal of exemplary and ethical behavior for all school administrators are;

1. Each member of the profession has a personal and professional responsibility for upholding the ACSA Code of Ethics and making it effective. In keeping with this broad responsibility, it is essential that every member of the profession feel a commitment to, and assume an active role in, supporting high standards of ethical conduct in school administration.

2. Every member of the profession has a personal responsibility for keeping himself fully informed about ethical standards and their relationships to all aspects of school administration.

All school administrators have an obligation to assist members in developing such understanding.

3. ACSA accepts the obligation to maintain a committee on professional ethics to uphold, interpret, improve and enforce standards of professional conduct.

4. ACSA will cooperate with other educational organizations in implementing standards of ethical conduct. However, ACSA reserves the right to assume the responsibility for the investigation and/or study of charges of implied unethical or unprofessional behavior against its members.

Section 2: Functions of the ACSA Personnel Standards Committee

The Personnel Standards Committee has a dual but closely related role in promoting the highest standards of ethical conduct and in fostering harmonious, productive, personnel relations among school administrators, teaching staff, governing boards, and the community.

The major functions of ACSA's Personnel Standards Committee are:

1. To promote understanding of and adherence to the ACSA Code of Ethics within the state and among the members of the state association.

2. To sponsor programs, special clinics, meetings, and appropriate publications designed to define ethical responsibilities and promote ethical and acceptable personnel policies.

3. To provide a consultation service for members in school districts where personnel problems are developing.

4. In cooperation with other educational organizations, to endeavor to unite dissident groups in staffs or communities when requested to do so.

5. To serve as the committee of initial inquiry whenever ethical transgressions are reported and to take appropriate action as outlined in Appendix C - Other Functions of the ACSA Personnel Standards Committee and Established Procedures for Implementing Action.

D. PERSONNEL PROBLEM SOLVING RESOURCES AND PROCEDURES

Standards of Personnel Administration

The ACSA Personnel Standards Committee conceives its role as one of service and leadership in assisting local school administrators and district personnel to cope successfully with their problems.

This assistance emphasizes the importance of analyzing situations before serious problems develop, and encouraging local district solutions to problems. The available levels of assistance provided by ACSA are:

1. Personnel Problem Prevention

   ACSA recognizes the area of personnel policies as being highly important in the operation of the educational program. Service to its members in the prevention and the solution of personnel problems is considered a professional responsibility.

2. Field Service Consultation

   Seeking assistance and sharing experience are recognized elements in professional conduct. ACSA through its membership and through its staff strives to give assistance whenever requested to do so, and urges administrators to seek such service freely. Procedures for implementing such services are as follows:

   a) Encourage administrators desiring assistance or consultation to:

      1) Confer with a colleague.

      2) Check with the ACSA region chairman or charter president for someone with whom to consult.

      3) Contact ACSA Assistant Executive Secretary for Personnel Standards for staff assistance.

      4) Confer with someone having had a similar problem elsewhere in the state.

   b) Encourage the district to employ a consultant from a recognized educational institution.

3. Staff Assistance Teams

   This team conducts an informal survey of the problems followed by counseling of individuals or groups privately or in general meetings as seems appropriate and as is agreed upon. This team is usually composed of staff members from the appropriate organizations, such as CTA, ACSA, and CSBA. The participating organizations jointly share the costs incurred by the team. Team members are selected by the participating associations in accordance with their association policy.

   All requests for staff assistance teams shall be processed through the Assistant Executive Secretary of ACSA including contact with other cooperating associations.

Before follow-up action is taken, each request shall be placed in writing and signed by the originator stating the problems, issues or matters of concern as the party sees them.

A preliminary visit will be made by a member of the staff or designated representative to get background information. The organizations then will determine whether to accept or reject the request and the participating district groups may also determine whether to continue with the staff assistance team process. If it is determined to proceed, the staff member making the preliminary visit will report to the chosen team members of the other organizations. This staff member will also set the dates, make the physical arrangements, and plan the interview schedule.

The team will meet in the district to organize and review background information prior to conducting the interviews.

The team will determine the appropriate method of reporting results of its work in discussion with the local parties. The chief objective of any reports, recommendations or individual counseling will be to conciliate differences in the adoption and practice of approved procedures. A brief summary of the team's recommendations shall be filed with the Personnel Standards Executive and the executive secretaries of the participating organizations.

4. Joint Resource Panel

The Joint Resource Panel has been designed to assist with problems that have not been resolved by Field Service, and for problems that are threatening the orderly operation of the schools and the quality of the educational program.

The organizations sponsoring the program are ACSA and CSBA and CTA.

Signed written requests for a Joint Resource Panel may be made to any one of the cooperating organizations directly involved in the problem. A preliminary investigation will be made by the organization receiving the request, and the decision on the request will be made by the designated representatives of the organizations involved. The district personnel or individual will be informed of alternative resources available. The organizations participating in the Resource Panel will receive a written statement of the areas of concern before meeting with the representatives of the local groups in a closed meeting.

The objective of the Joint Resource Panel is to stimulate and to guide the local groups to work out their own problems. Usually no written report or recommendations are to be made

to the local group. A summary of the panel procedures and recommendations for follow-up is to be filed with ACSA and the executive officers of the other state associations.

5. Formal Studies

The Formal Study should be considered only after all other efforts have failed to resolve the problem.

The written request for a Formal Study must be presented by any one of the cooperating associations or a responsible citizens committee.

The organization which receives the request will confer with the other organizations, and at that time a preliminary survey will be planned to gather information to serve as a basis for decision as to whether or not to conduct a study.

The ACSA Personnel Standards Committee chairman, in consultation with the ACSA Assistant Executive Secretary for Personnel Standards, will appoint the panel member(s) to serve on the study panel representing the organization.

The Study Panel will hear the principal parties involved in the problem and such other witnesses as wish to be heard. By this method the Study Panel attempts to establish the facts in the case. The Panel then evaluates the findings, arrives at its conclusions and recommendations, and renders its report in writing. The ACSA Assistant Executive Secretary for Personnel Standards and the chairman of the ACSA Personnel Standards Committee and the ACSA Legal Counsel shall have an opportunity to review the preliminary written report prior to its presentation to the Study Panel for final decision.

Initial distribution and presentation of the written report will be determined by the nature of the problem or charges studied.

Sanctions will not be invoked as a result of any study conducted under the Agreement Re Joint Participation in Formal Studies. Nothing in the agreement, however, shall expressly or impliedly limit or abridge the right of any group independently to conduct a study and, on the basis of such study, impose or reject sanctions.

Note 1: The Representative Assembly has directed the Personnel Standards Committee to eliminate the use of the word "ethics" in the title of any study where the scope of the study does not truly include or imply ethical violation.

Note 2: Members of the Representative Assembly were quite inter-

ested to know to what extent ACSA staff would be involved in preliminary investigations prior to such activities as staff assistance teams and study panels. Assurance was given that ACSA would be directly involved in preliminary investigation and would not become identified with any such assistance team, resource panel or study panel automatically, but would expect to reach its own decision on the basis of information presented no matter through whom the activity was initiated.

7. Expenses

The Association of California School Administrators assumes the expenses of its statf members and members of ACSA on Resource Panels and Staff Assistance Teams. Full study panel expenses are met by CTA except when other agreement is made.

E. LEGAL ASSISTANCE TO MEMBERS

The Board of Directors has approved Legal Aid Policies and Precedures. See Part II of this document.

APPENDIX A

AMPLIFICATION OF CODE OF ETHICS

Policy 1 The professional school administrator constantly upholds the highest standards of responsibility and the dignity of his profession in all his actions and relations with pupils, colleagues, school board members, and the public.

The following illustrate but do not limit applications of this policy.

The professional school administrator:

a) is impartial in the execution of school policies and the enforcement of rules and regulations. It is a breach of ethics to give preferential consideration to any individual or group because of their special status or position in the school system or community. This is not to be construed antagonistic to programs to meed individual needs.

b) recognizes and respects fully the worth and dignity of each individual in all administrative procedures and leadership actions.

c) demonstrates professional courtesy and ethical behavior by informing a colleague in another system of his intention to consider for employment personnel from that system.

d) never submits official and confidential letters of appraisal for teachers or others which knowingly contain erroneous information or which knowingly fail to include pertinent data.

e) continuously endeavors to recommend those worthy of recommendation.

f) is alert to safeguard the public and his profession from those who might degrade public education or school administration.

g) seeks no self-aggrandizement.

h) refrains from making unwarranted claims, from inappropriate advertising, and from misinterpreting facts about his school system to further his own professional status.

i) refrains from making derogatory statements about a colleague or a school system unless he is compelled to state his opinion under oath or in official relationships where his professional opinion is required.

j) exhibits ethical behavior by counseling with staff facing professional problems and by explaining and giving reasons to individuals affected by demotions or terminations of employment.

Policy 2 The professional school administrator obeys local, state, and national laws; holds himself to high ethical and moral standards, and expresses loyalty to his country and to the cause of democracy and liberty.

The following illustrate but do not limit applications of this policy:

a) A legal conviction for immorality, commission of a crime involving moral turpitude or other public offense of similar magnitude shall be sufficient grounds for expelling a school administrator from membership in the Association of California School Administrators.

b) Knowingly affiliating with organizations known to advocate the forcible overthrow of the government of the United States is evidence of unworthiness of public trust. A person who is so affiliated shall not be permitted to become or continue as a member of the Association of California School Administrators.

c) A professional school administrator, in common with other citizens, has a right and in many instances an obligation to express his opinion about the wisdom or justice of a given law. An opinion questioning a law, however, does not justify failure to fulfill the requirements of that law.

d) The ideals of his profession require a school administrator to resist ideological pressures that would contravene the fundamental principles of public education, or would pervert or weaken public schools, their educational program, or their personnel.

e) It is unethical to ignore or divert attention from laws which are incompatible with the best interests and purposes of the schools, as a way of avoiding controversy. Rather the professional school administrator will take the initiative to bring about the reconsideration, revision, repeal of the statute.

f) The professional school administrator will not withhold evidence about or knowingly shield lawbreakers.

Policy 3 The professional school administrator accepts the responsibility throughout his career to ascertain and use and contribute to the growing body of specialized knowledge, concepts, and skills which characterize school administration as a profession.

The following illustrate but do not limit applications of this policy:

a) In addition to meeting the minimum standards required for legal certification in his state, the professional school administrator

has a responsibility to satisfy the preparation standards recommended by his professional association, and has an obligation to work toward the adoption of these professional standards by the appropriate certification authorities in his state.

b) The school administrator has a professional obligation to attend conferences, seminars, and other learning activities which hold promise of contributing to his professional growth and development.

c) It is in keeping with the highest ideals of the profession for the administrator to support local, state, and national committees studying educational problems and to participate in such activities whenever and wherever possible, consistent with his obligations to his district.

d) The school administrator has a leadership responsibility for the professional growth of his associates which requires encouragement of their attendance at appropriate professional meetings and their participation in the work of local, state and national committees and associations.

e) Concern for improving his profession, and for education generally, requires that the school administrator seek out promising educational practices and relevant research findings and that he share with others any significant practices and research from within his own institution.

f) The school administrator has a special obligation to contribute to the strengthening of his own state and national professional association.

Policy 4 The professional school administrator strives to provide the finest possible educational experiences and opportunities to all students in his school or district.

The following illustrate but do not limit applications of this policy:

a) The school administrator will work with staff to develop a program that bases differentiation of educational experiences on the differing needs and abilities of pupils, giving no preferences to factors such as social status or other undemocratic or discriminating considerations.

b) A school administrator has an obligation to inform the board and the community of deficiencies in educational services or opportunities.

c) A school administrator resists all attempts by vested interest to infringe upon the school program as a means of promoting their selfish purposes.

d) A school administrator resists all attempts to exclude from consideration as certificated or classified personnel, members of any particular sex, race or creed. The ability and fitness of the candidates for any position are the basic criteria for selection.

e) A school administrator recognizes that the provisions of equal educational opportunities for all pupils may require greater or different resources for some than for others.

f) A school administrator is professionally obligated to assume clear, articulate, and forceful leadership in cooperatively defining the role of the school in the community and pointing the way to achieve its functions.

Policy 5 The professional school administrator applying for a position or entering into contractual agreements seeks to preserve and enhance the prestige and status of his profession.

The following illustrate but do not limit applications of this policy:

a) A school administrator is morally committed to honor employment contracts. He shall refuse to enter into a new contractual agreement until termination of an existing contract is completed to the satisfaction of all concerned.

b) A school administrator does not apply for positions indiscriminately nor knowingly apply for any position held by an administrator whose termination of employment is not a matter of record.

c) Misrepresentations, use of political influence, pressure tactics, or undermining the professional status of a colleague are unethical practices and are inimical to his professional commitment.

d) Advertising commercially, either to solicit new school positions or to offer professional consultation services, is inconsistent with the ideals of the profession of school administration.

e) A school administrator refrains from making disparaging comments about candidates competing for a position.

f) A school administrator refuses to accept a position in which established principles of professional school administration must be seriously compromised or abandoned.

Policy 6 The professional school administrator carries out in good faith all policies duly adopted by the local board and the regulations of state authorities and renders professional

service to the best of his ability. If he feels the need to urge change, modification, or renewal of policies, he does so through legitimate and recognized procedures and channels.

The following illustrate but do not limit application of this policy:

a) Adoption of policies not in conformity with the administrator's recommendation or beliefs is not just cause for refusal by the administrator to support and execute them.

b) An administrator always strives to work and perform at the optimum level of ability.

c) A school administrator has an obligation to support publicly the school board and the instructional staff, if either is unjustly accused. He should not permit himself to become involved publicly in personal criticism of board or staff members. He should be at liberty, however, to discuss differences of opinion on professional matters.

d) If a situation develops whereby an administrator feels that to retain his position would necessitate that he violate what he and other members of the profession consider to be ethical conduct, he should inform the board of the untenable position. In the event of his imminent dismissal, the superintendent should request adequate reasons and, if they are not forthcoming or if the situation is not resolved to his professional satisfaction, he should report to the public.

Policy 7 The professional school administrator honors the public trust of his position above any economic or social rewards.

The following illustrate but do not limit applications of this policy:

a) To resist, or to fail to support, clearly desirable approaches to improving and strengthening the schools is unworthy of a professional person and constitutes unethical conduct on the part of a school administrator.

b) The school administrator has a commitment to his position of public trust to resist unethical demands by special interest or pressure groups. He steadfastly resists efforts of strong and unscrupulous individuals to seize or exercise powers and responsibilities which are properly his own.

c) The rank, popularity, position, or social standing of any member of the school staff should never cause the professional school administrator to conceal, disregard, or seemingly condone unethical

conduct. Any and all efforts to disregard, overlook, or cover up unethical practices should be vigorously resisted by a school administrator.

Policy 8 The professional school administrator does not permit considerations of private gain nor personal economic interest to affect the discharge of his professional responsibilities.

The following illustrate but do not limit applications of this policy:

a) A school administrator refuses to permit his relationship with vendors primarily interested in selling goods and services to influence his administration of the school system he serves.

b) It is improper for a school administrator to accept employment by any concern which publishes, manufactures, sells or in any way deals in goods or services which are or may be expected to be purchased by the school system he serves.

c) It is improper for a school administrator to be engaged in private ventures if such endeavors cause him to devote less than full-time attention to his school system.

d) This policy in no way precludes private investment of personal funds of the school administrator in ventures not influenced by his position in a given school system provided his own professional obligations are not neglected.

e) During the time of his employment the school administrator shall have no personal interest in, nor receive any personal gain or profit from school supplies, equipment, books, or other educational materials or facilities procured, dispensed, or sold to or in the school system he serves.

f) It is a breach of public trust for a school administrator to use confidential information concerning school affairs (such as the knowledge of the selection of specific school sites) for personal profit or to divulge such information to others who might so profit.

g) It is inappropriate for a school administrator to utilize unpublished materials developed in line of duty by staff members in a school system in order to produce a publication for personal profit, without the expressed permission of all contributors. The contribution of others should be acknowledged.

h) A school administrator must be wary of using free consultative services from a commercial concern which may in effect be a skillful technique for promoting the sale of instructional or other materials in which that concern has a pecuniary interest.

i) A school administrator does not publicly endorse goods or services provided for schools by commercial organizations.

j) The school administrator should not participate in recommending the appointment of immediate relatives to positions under his jurisdiction. (Exceptions may occasionally be warranted in remot areas, small isolated districts, or special competency situations.)

Policy 9 The professional school administrator recognizes that the public schools are the public's business and seeks to involve the public fully and keep them honestly informed about their schools.

The following illustrate but do not limit applications of this policy:

a) A school administrator has an obligation to interpret to the community the work and activities of the school system, revealing its weaknesses as well as its strengths. It is unethical for a school administrator to present only the favorable facts to the patrons of the district.

b) A school administrator maintains confidences or privileged qualified communications entrusted to him in the course of executing the affairs of the public schools. These confidences shall be revealed only as the law or courts may require or when the welfare of the school system is at stake.

c) It is proper for a school administrator to discuss confidential information with the board of education meeting in executive session.

d) A school administrator considers that those with whom he deals are innocent of any disparaging accusations until valid evidence is presented to substantiate any charges made.

Policy 10 The quality of the education program in a district is largely dependent upon the quality of its personnel. To promote the selection, the development, and the retention of the best possible personnel, the Association of California School Administrators recommends to its members the standards of personnel administration: Code of Ethics for the Education Profession - Direct Application for Administrators and Guidelines for the Evaluation and Re-assignment of Co-administrators.

The Code of Ethics for the Education Profession - Direct Application for Administrators is reproduced in full in Appendix B.

APPENDIX B

THE CODE OF ETHICS OF THE EDUCATION PROFESSION
DIRECT APPLICATION FOR ADMINISTRATORS

A Statement of Principles Amplifying the Code of Ethics
of the Education Profession

Preamble:

The educator employed in an administrative position recognizes and adheres to the laws of the State of California, the policies of the district in which he is employed, and to these standards of personnel administration in order to fulfill his special responsibilities to pupils, parents, the community and the profession as an executor of board policies, as advisor to the board on policies and procedures, and as a professional leader in the school district.

A. In the selection and employment of personnel . . .

1. He spares no effort to maintain and increase professional standards and he recommends only professionally qualified personnel for any position.

2. He provides opportunities to employees to make known their desires for transfer or advancement and gives consideration to their wishes.

3. He considers no position vacant and seeks no applicants for it before the present employee has resigned or has been notified that he will not be re-employed.

4. He makes no offer of employment for a period of time concurrent to that covered by a contract to another district unless that district has first notified him of its willingness to release the employee.

5. He adheres strictly to adopted salary schedules and policies.

6. He describes accurately the conditions, employment, and the assignment for which the candidate is being considered.

B. In the supervision and leadership of his staff . . .

1. He assumes responsibility for providing opportunities for further advancement of employees.

2. He sees that significant weaknesses are called to the attention of the employee and that assistance toward their correction is made available.

3. He makes no formal criticism of any employee to his superiors or the board without having first discussed this criticism with the employee involved.

4. He is receptive to and recognizes the professional suggestions of staff members.

5. He provides opportunity for employees to discuss problems freely with him and assists in the use of channels for reporting and discussing these problems.

6. He provides clearly defined administrative policies and areas of responsibility for his administrative subordinates and supports their efforts to adhere to these policies.

C. In recommending re-employment or dismissal of employees . . .

1. He establishes a systematic procedure for periodic written evaluation of probationary teachers. All teachers are kept informed of their employment status as it affects re-employment, tenure, or dismissal.

2. He recommends re-employment unless the employee has been notified regarding his weaknesses and has been given time for and assistance toward their correction.

3. He does not jeopardize the educational welfare of children in order to avoid an unpleasant dismissal relationship.

D. In respect to recommendations for employees . . .

1. He responds to requests for recommendations and renders accurate appraisals in accordance with his best professional judgment.

2. He does not suggest to an employee that a letter of recommendation will be affected by submission of his resignation of failure to resign.

3. He records no negative criticism in a letter of reference or in direct conversation with potential employers except that which has been called to the employee's attention during appraisal conferences.

4. He keeps confidential the content of confidential professional papers.

Endorsed by Personnel Standards Committee of ACSA, and Personnel Standards Commission, CTA.

APPENDIX C

OTHER FUNCTIONS OF THE ACSA PERSONNEL STANDARDS COMMITTEE
AND ESTABLISHED PROCEDURES FOR IMPLEMENTING ACTION

1. To recommend to the Board of Directors on matters involving ACSA members, which in turn recommends to ethics committees of appropriate national school administrator associations on matters involving their members, appropriate disciplinary measures in cases where the evidence clearly shows that the accused was guilty of unethical conduct. Such actions shall be consistent with appropriate sections of this document. Actions on recommendations referred to the state or national level shall be delayed no more than ninety days. The accused shall have full right to appeal actions on recommendations as specified in the appropriate section of this document.

2. Submit to ACSA Board of Directors, which may in turn submit to the appropriate national association's ethics committee annually a report on complaints received and actions taken. The names of all persons accused, investigated, or disciplined for ethical transgressions should be kept confidential and not included in the annual report unless full publicity is called for as part of the disciplinary action specified.

Procedures for Initiating Actions:
Complaints, investigations and Hearings

The initiation of actions related to implementation of the ACSA Code of Ethics shall be consistent with democratic traditions. The individual members must be protected against unfounded and scurrilous attacks which impugn ethical stature, jeopardize professional standing, and reduce the effectiveness of school administration. At the same time procedures for initiating action must be sufficiently sensitive and flexible to facilitate early detection and fair reporting of unethical practices.

1. Problems involving the ethical conduct of any school administrator should be referred to the ACSA Personnel Standards Committee, which serves as the committee of original inquiry.

2. Except as otherwise provided herein, any complaint about the ethical behavior of an administrator or request for an investigation of his conduct must be presented in written form to the ACSA Personnel Standards Committee and must bear the signature of the person or persons making the complaint or requesting an investigation.

3. Ordinarily the ACSA Personnel Standards Committee will consider requests or suggestions for investigation of conduct as a result of:

   a) A written accusation of unethical behavior signed by one or more members or by groups in the education profession.

b) A request for an investigation to determine if an unethical practice took place presented by a duly and authorized officer or agent of an educational organization such as CSBA and CTA.

c) A report of a personnel relations panel in which evidence indicates that unethical practices may involve a school administrator. No disciplinary action shall be taken by ACSA based solely on the hearings and report of a personnel relations panel.

4. After due deliberation on preliminary investigation of complaints received by the Committee a quorum of the ACSA Personnel Standards Committee shall dispose of them by voting to:

a) Drop the complaint for lack of reliable evidence or because the charges are inconsequential.

b) Drop the complaint on the grounds that it involves a question of administrative judgment rather than ethical behavior.

c) Refer the case to the judgment and jurisdiction of another state or the ethics committee of the appropriate national school administrator association on the grounds that:

1) The case is outside of the domain of the Committee, or
2) The Committee is not qualified to take action.

d) Authorize and institute a full investigation and hearing and as a consequence of such hearing it may

1) Exonerate the individual
2) Issue a warning
3) Recommend disciplinary action to the Board of Directors
4) Recommend procedural and related changes.

5. Investigations authorized by the ACSA Personnel Standards Committee should be organized on the basis of teams of no less than three nor more than seven members.

6. Special hearings may be convened by the ACSA Personnel Standards Committee subsequent to the report or recommendation of an investigating committee. Hearings shall be confined to topics pertinent to charges made known to the accused in writing. The accused shall be apprised in writing of his professional rights and responsibilities, including the right to obtain legal counsel at his own expense. The chairman of the Personnel Standards Committee or his designated representative should preside over hearings convened by that body.

Judgments of Ethics and Disciplinary Actions of ACSA Members

Judgments on ethical behavior resulting in disciplinary action can only be rendered by the Committee after careful evaluation of the validity of charges, after following any necessary hearings, and subsequent deliberations by at least a quorum of the Committee. The judgments should be recorded in the official minutes of the Committee.

All disciplinary recommendations and actions, along with memoranda of investigations shall be matters of written record. These records should be kept in the permanent and confidential files of ACSA.

When it becomes necessary to institute disciplinary measure for conduct judged to be unethical, the following penalties may be proposed by the Committee to the Board of Directors for consideration and action:

1. Warnings and Reprimands. Written warnings or reprimands shall be considered a confidential exchange between a member, the Committee and the Board of Directors. The person judged to have violated the ACSA Code of Ethics may at his own discretion release the nature of the warning or reprimand.

2. Suspension. The Committee may recommend suspension from membership to the Board of Directors and may, together with the Board of Directors, also make such recommendation to the ethics committee of the appropriate national school administrators association. Final decision on suspension from the national association shall rest with its executive committee. The period of suspension from ACSA which shall be for no less than one year and no more than five years during which a member shall:

   a) not have membership status
   b) be relieved of all committee assignments
   c) not hold or be eligible for any association office
   d) not be sent any publication of the association, and
   e) not be invited to attend or participate in an official manner in any professional meetings held under the auspices of the association from which he has been suspended.

3. Expulsion. The Committee may recommend expulsion from membership in ACSA and a national school administrators association.

   Expulsion implies permanent and total severance of relationships with ACSA. Notice of expulsion may, upon the advice of legal counsel, be made known to the members of ACSA and otherwise made public as the Board of Directors may determine. ACSA will notify the appropriate national association in writing as well as the state credentialing authority when a member is expelled from the state association.

4. Timing.

a) Any recommendation for suspension or expulsion that is subsequently approved shall become effective on the date formal action is taken by the Board of Directors unless modified by appeal procedure.

b) The exception to this shall be when a petition for appeal has been filed within the limits specified in the appropriate section of this document. In appealed cases, suspensions or expulsions that are approved subsequently by the appropriate executive committee of the association shall be recorded in the formal records as effective from the date the written petition for appeal was received in the office of the president or executive secretary of ACSA.

Rights of Individual Members and Appeals

Every ACSA member shall be presumed to be innocent of ethical transgressions until evidence proves to the contrary. He has available to him the following rights and avenues of appeal whenever his ethical conduct is questioned:

1. Any member whose ethical conduct is under question shall be notified in writing by registered letter by the chairman of the Personnel Standards Committee that a complaint has been received questioning his ethical behavior and that sufficient grounds exist to institute further investigation.

2. Any member whose ethical conduct is under question is entitled to written notice of specific charges lodged against him and to know the name(s) of his accuser(s). The written charges must be sufficiently clear and detailed and must be served upon him by U. S. Certified Mail in sufficient time prior to any hearing on the charges to provide him with a reasonable opportunity to prepare and present his defense.

3. Every member whose ethical conduct is questioned shall have the right to appear with his attorney at any session of the Committee at which testimony concerning his ethical conduct is being taken. He shall have the right to confront and cross-examine persons testifying against him and to present witnesses, evidence and argument on his own behalf.

4. A recording of all testimony given by witnesses at any hearing held under this section shall be made. Such recording shall be the sole property of the Association. Either party causing a written transcription to be made from the recording shall offer to provide the other party with a copy of the written transcription at

a pro rated cost of preparing such transcription.

5. The Committee shall inform the accused member of its recommendations, including recommendations for disciplinary action, at the same time its recommendations are filed with the Board of Directors. Such recommendations shall contain specific findings of fact and conclusions upon which the recommendations are based. The accused member shall be informed of the time limits within which an appeal may be made and of appeal procedures open to him.

6. Every member has the right to appeal a recommendation for suspension or expulsion.

   a) An appeal must be filed within 30 days following written notification of recommendation for suspension or expulsion.
   b) A petition for appeal shall be made in writing to the office of the Executive Secretary or President of ACSA.
   c) It shall be the responsibility of the Board of Directors to notify the appellant within 30 days of the receipt of his petition of the time and place for the hearing of the appeal to show cause why the recommendation of the Committee should not be approved and implemented.

7. The accused member shall bear all his personal and privately contracted legal expenses incurred in appearing before the Committee, as well as in final appeals to the Board of Directors.

8. Every member has the right to have his case reviewed and investigated, in a just, confidential, and expeditious manner. Complaints should be acted upon or disposed of within 90 days of their receipt.

9. Any accused member has the right to request that his case be re-opened and judgments re-evaluated whenever new evidence becomes available. The request shall be made in writing to the chairman of the Committee through the office of the Executive Secretary or President of ACSA. The Committee shall examine the evidence and determine whether sufficient grounds exist for re-opening and re-evaluating the case. The decision of the Committee shall be final, and no further appeals are available from it.

Responsibilities for the Ethics of Non-members of ACSA

The behavior of all administrators, non-members as well as members of ACSA, influences the public image of school administrators. The public may find it difficult, if not impossible to distinguish on the basis of limited contact between a practitioner who belongs to a professional society and one who does not. All too often it is assumed that those who practice the same profession are members of the same professional society. ACSA must demonstrate concern for the ethical behavior of

all practicing administrators even though its influence may be greater among members than non-members.

1. Warnings or reprimands to cease unethical behavior should be sent to any administrator who warrants such disciplinary action.

2. If a warning or reprimand is ignored by a non-member, the accused should be informed that ACSA will publicly censure unethical conduct that persists. If a subsequent entreaty to cease and desist from unethical behavior on the part of a non-member is ignored, the Committee shall recommend to the ACSA Board of Directors that it approve and implement the public censure of unethical behavior on the part of the non-member.

3. Where the unethical conduct of a non-member of ACSA is such as to warrant expulsion of him were he a member, the Committee shall recommend to the Board of Directors that it enter into the formal record a resolution that the accused non-member shall be precluded from attaining membership in ACSA and prohibited from participating in any way in any convention, conference, or meeting sponsored in whole or in part by ACSA.

4. If the ACSA Board of Directors approves the resolution to preclude ACSA membership to a person not presently an ACSA member, a copy of such resolution should be made public and sent to the state credentialing authority.

5. The rights to a hearing and to appeal as defined for ACSA members in the appropriate section of this document shall be available to non-members as well.

PART II

ASSOCIATION OF CALIFORNIA SCHOOL ADMINISTRATORS

LEGAL AID POLICIES AND PROCEDURES

The Association of California School Administrators provides legal assistance to its members so that these objectives will be met:

1. The Profession will be enhanced by:

   its protection and development as a whole and its general membership as it might relate to individual legal cases arising from problems of the individual member.

2. Membership will be provided benefits, including legal protection or reduced premiums for legal protection.

A. GENERAL CRITERIA

Within the above policy statement, eligibility for assistance will be determined by the following general criteria:

1. Precedental Nature

   The point at issue if aid is extended is that the lack of such aid would cause either the establishment of bad precedent or the destruction of presently acceptable precedent which could affect more than the individual administrator involved.

2. Pervasive Nature

   The question at issue should be one which tends to be of major concern to the profession.

3. Legal Bases

   this will be judged upon:

   a) Professionally accepted ethics, actions and procedures of the member involved;

   b) The legal soundness of the case;

B. SPECIFIC CRITERIA

1. The individual is a member of ACSA and was a member at the time activating incident occurred.

2. He has presented a statement regarding all facts and events and circumstances giving rise to the legal problem involved.

(Note: The falsification of such statement will render th application null and void and all funds advanced must be reimbursed to ACSA.)

3. He must demonstrate inability to obtain satisfactory assistance from the local school district or county counsel.

4. The problem involved is of a professional nature originating in the performance of the member's assigned duty.

5. The applicant must have been operating within the reasonable limits of his profession.

6. Denial of due process constitutes grounds for defense of a member.

7. The Personnel Standards Committee may review situations involving criminal charges or related abuses to determine mitigating circumstances, if any, and make appropriate recommendations to the Board of Directors for action.

C. PROCEDURE IN REQUESTING ASSISTANCE

1. ACSA places emphasis first of all upon prevention and solution to problem situations by means other than legal action. Therefore, a member needing help is urged to bring his problems to the attention of the Assistant Executive Secretary for Personnel Standards directly or through the regional representative on the Personnel Standards Committee, the chairman of the Personnel Standards Committee, or to the office of the Executive Secretary.

2. Every effort will be made through staff and consultant services to provide prompt preliminary guidance and assistance to the member or members concerned through consultation, staff assistance, resource panels, and other means which may yet be developed. ACSA staff and ACSA legal counsel can also be utilized as necessary.

a) Emergency Legal Assistance

A situation may require the assistance of an attorney to advise the member on short notice in critical situations. If ACSA staff, consultants, or legal counsel cannot provide adequate assistance, then legal counsel can be retained by the member upon approval of the Assistant Executive Secretary for Personnel Standards or Chairman of the Personnel Standards Committee under the following conditions:

1) This is an emergency, one-shot arrangement in situations where time does not permit the usual review.

2) The attorney should normally be someone located in the immediate vicinity of the district and of the member seeking assistance.

3) Before aid is granted, estimate of cost for a single consultation will be secured.

b) Major Legal Assistance Involving Possible Court Appearance and the Like

1) Until such time as legal staff, either through group legal aid or area legal offices, is available, the member shall be entitled to suggest an attorney whom he would like to have represent him. The proposed agreement for such services must be made available to ACSA Personnel Standards Committee through the chairman or the Assistant Executive Secretary for Personnel Standards for consideration and approval. This proposal will be processed through the Personnel Standards Committee or the Board of Directors of ACSA.

2) The request for assistance must be accompanied by an application form. (See Appendix) The amount of assistance in any one case will be limited to $500 unless the Board of Directors approves a larger amount.

3) Applications will be denied if the applicant's actions are in conflict with ACSA policy or Code of Ethics.

4) Members seeking aid are expected to act promptly in relation to the time of the incident.

5) The ACSA representative engaged in the initial investigation may contact, as necessary, the ACSA legal counsel for advice as to appropriate action. The results of this investigation will be presented to the chairman of the Personnel Standards Committee. After review, the chairman may utilize a personnel standards subcommittee or may call the full committee to consider the problem. As noted above, the committee is empowered to take action within the limits prescribed. The committee is also privileged to recommend to the President and the Board of Directors that additional support be given. A full report must be made available to the Executive Secretary and the President of ACSA.

6) The decision of the Personnel Standards Committee may be appealed to the Board of Directors.

E. ESTABLISHMENT OF LEGAL AID FUND

1. To facilitate the above, a fund will be established by the Board of Directors to be used as the legal aid fund.

2. The legal aid fund shall be replenished or expanded annually within the limits of budget available.

F. ADMINISTRATION OF THE LEGAL AID FUND

1. If the member has access to additional legal funds, such funds will be termed a prior source of legal aid, and ACSA will not contribute legal assistance until such funds have been exhausted.

2. The Personnel Standards Committee shall be charged with annual review of these policies and procedures and the administration of the legal aid fund. The committee shall make a report to the Board of Directors and, if necessary, to the Representative Assembly on needed revision.

APPENDIX

APPLICATION FOR FINANCIAL ASSISTANCE

FROM ACSA LEGAL AID FUND

1. Name of Applicant _____

2. Home Address _____

3. School District _____

4. Home Phone Number _____ Area Code _____

5. School Phone Number _____ Area Code _____

If legal action is contemplated by you, please answer questions 6, 7, 8.

If legal action or proceeding or a criminal prosecution has been or is about to be commenced against you, please answer questions 9, 10 and 11.

6. Name of person or agency against whom you intend to commence a legal action or proceeding _____

_____

7. Brief statement of your proposed complaint or claim _____

_____

_____

8. Date and place of hearing, if any has been scheduled _____

_____

9. Name of person or agency who has filed a legal action or proceeding or is about to file a legal action or proceeding against you, or, if a criminal proceeding has been or is about to be commenced against you, the name of the complaining witness and the attorney in charge of the prosecution. _____

_____

10. Statement of complaints or charge including Code Sections or legal authority under which charges are preferred _____

_____

_____

11. Date and place of hearing, if any has been scheduled_____

_____

12. Name, address and phone number of your attorney or proposed attorney

_____

_____

13. Names and addresses of witnesses supporting you (if any)

_____

_____

_____

_____

14. Names and addresses of other persons having definite information pertaining to your case_____

_____

_____

_____

15. Has the Association and/or the appropriate committee studied your problem and taken official action?_____

If so, what action?_____

_____

_____

16. Professional importance of your case. State as specifically as possible what, in your opinion, is the legal question involved in your case, the determination of which would be of benefit to the profession generally._____

_____

_____

_____

_____

17. Prepare a typewritten account of your legal difficulty; the information should be confined to statements of fact which will enable the Personnel Standards Committee to act upon your application. Give dates and places where events were alleged to have occurred.

18. List insurance policies, or other associations, which may provide you legal aid _____

_____

_____

_____
Social Security Number of ACSA Member

_____ _____
Signature of Applicant Date